

**EXHIBIT 2**

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION OF  
AMERICA, INC., et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et al.,

Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFF PLANNED  
PARENTHOOD LOS ANGELES'S  
RESPONSE TO DEFENDANTS'  
(CENTER FOR MEDICAL  
PROGRESS AND BIOMAX  
PROCUREMENT SERVICES)  
REQUESTS FOR ADMISSION (SET  
ONE)**

**REQUEST FOR ADMISSION NO. 2:**

Admit that, prior to June 2015, YOUR fetal tissue donation program did not comply with the directives set forth in Planned Parenthood Federation of America's 2001 memorandum titled, "Federal Regulations for Aborted Pregnancy Tissue Donation Programs."

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request to the extent the terms "did not comply with" and "directives" are vague and ambiguous, calls for a legal conclusion, and assumes facts not in evidence. Plaintiff further objects to this request because there were multiple provisions within the 2001 memorandum rendering the request compound, and therefore in violation of Federal Rule of Civil Procedure 36(a)(2). Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this request on the grounds that it is irrelevant to the claims or defenses in this action, disproportionate relative to the needs of the case, and appears designed solely to harass Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood outside of this litigation. For the foregoing reasons, Plaintiff will not respond to this request.

**REQUEST FOR ADMISSION NO. 3:**

Admit that, prior to June 2015, YOU accepted payment for facilitating donation of fetal tissue for research.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request on the grounds that the terms "payment" and "facilitating" are vague and ambiguous. Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this request on the grounds that it seeks information not relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass Plaintiff and



1 for the improper purpose of obtaining information solely to further Defendants' attacks against  
 2 Planned Parenthood outside of this litigation.

3 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

4 Plaintiff admits that for certain periods prior to June 2015, Plaintiff received reasonable payment  
 5 intended to recover costs associated with its fetal tissue donation program. In all other respects,  
 6 denied.

7 **REQUEST FOR ADMISSION NO. 4:**

8 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
 9 analysis of the actual costs incurred by YOU for the transportation of fetal tissue.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

11 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
 12 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual  
 13 costs incurred" and "transportation of fetal tissue" are vague and ambiguous and call for legal  
 14 conclusions. Plaintiff further objects to this request on the grounds that it assumes facts not in  
 15 evidence. Plaintiff further objects to this request on the grounds that it seeks information not  
 16 relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the  
 17 case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass  
 18 Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks  
 19 against Planned Parenthood outside of this litigation.

20 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

21 Plaintiff admits that, prior to June 2015, it did not use an independent auditor to calculate the costs  
 22 related to the fetal tissue donation program. In all other respects, denied.

23 **REQUEST FOR ADMISSION NO. 5:**

24 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
 25 analysis of the actual costs incurred by YOU for the implantation of fetal tissue.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

27 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
 28 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual



1 Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks  
2 against Planned Parenthood outside of this litigation.

3 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:  
4 Plaintiff admits that it, prior to June 2015, did not use an independent auditor to calculate the costs  
5 related to the fetal tissue donation program. In all other respects, denied.

6 **REQUEST FOR ADMISSION NO. 9:**

7 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
8 analysis of the actual costs incurred by YOU for the storage of fetal tissue.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

10 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
11 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual  
12 costs incurred" and "storage of fetal tissue" are vague and ambiguous and call for legal conclusions.  
13 Plaintiff further objects to this request on the grounds that it and assumes facts not in evidence.  
14 Plaintiff further objects to this request on the grounds that it seeks information not relevant to any  
15 claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiff  
16 further objects to this request on the grounds that it appears designed solely to harass Plaintiff and  
17 for the improper purpose of obtaining information solely to further Defendants' attacks against  
18 Planned Parenthood outside of this litigation.

19 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:  
20 Plaintiff admits that, prior to June 2015, it did not use an independent auditor to calculate the costs  
21 related to the fetal tissue donation program. In all other respects, denied.

22 **REQUEST FOR ADMISSION NO. 10:**

23 Admit that, prior to June 2015, YOU did not conduct contemporaneous costs analyses to  
24 determine the actual costs of YOUR fetal tissue donation program.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

26 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
27 this request. Plaintiff objects to this request on the grounds the terms "contemporaneous cost  
28 analyses" and "actual costs of YOUR fetal tissue donation program" are vague and ambiguous.

1 Plaintiff further objects to this request to the extent it does not specify a relevant date range,  
 2 rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this  
 3 request on the grounds that it seeks information not relevant to any claims or defenses in the dispute  
 4 and is disproportionate relative to the needs of the case. Plaintiff further objects to this request on  
 5 the grounds that it appears designed solely to harass Plaintiff and for the improper purpose of  
 6 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of  
 7 this litigation.

8 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

9 Plaintiff admits that it did not conduct or cannot locate contemporaneous cost analyses related to its  
 10 fetal tissue donation program. In all other respects, denied.

11 **REQUEST FOR ADMISSION NO. 11:**

12 Admit that YOU did not attempt to determine the actual costs of YOUR fetal tissue program  
 13 until after July 13, 2015.

14 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

15 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
 16 this request. Plaintiff objects to this request on the grounds the terms "attempt to determine" and  
 17 "actual costs of YOUR fetal tissue donation program" are vague and ambiguous. Plaintiff further  
 18 objects to this request on the grounds that it seeks information not relevant to any claims or defenses  
 19 in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to  
 20 this request on the grounds that it appears designed solely to harass Plaintiff and for the improper  
 21 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood  
 22 outside of this litigation.

23 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

24 Plaintiff admits that the cost analysis related to its fetal tissue donation program that was  
 25 produced to the Judiciary Committee of the United States Senate was conducted in response to the  
 26 Judiciary Committee's request, and that Plaintiff had not previously conducted any similar such cost  
 27 analysis. In all other respects, denied.

1  
2 DATED: April 28, 2017

Respectfully submitted,

3 ARNOLD & PORTER KAYE SCHOLER LLP

4 By:   
5 Amy L. Bomse  
6 Attorneys for Plaintiffs  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 PLANNED PARENTHOOD FEDERATION OF  
13 AMERICA, INC., et al.,

14 Plaintiffs,

15 v.

16 CENTER FOR MEDICAL PROGRESS, et al.,

17 Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFF PLANNED  
PARENTHOOD PACIFIC  
SOUTHWEST'S RESPONSE TO  
DEFENDANTS' (CENTER FOR  
MEDICAL PROGRESS AND  
BIOMAX PROCUREMENT  
SERVICES) REQUESTS FOR  
ADMISSION (SET ONE)**

**REQUEST FOR ADMISSION NO. 2:**

Admit that, prior to June 2015, YOUR fetal tissue donation program did not comply with the directives set forth in Planned Parenthood Federation of America's 2001 memorandum titled, "Federal Regulations for Aborted Pregnancy Tissue Donation Programs."

**RESPONSE TO REQUEST FOR ADMISSION NO. 2:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request to the extent the terms "did not comply with" and "directives" are vague and ambiguous, calls for a legal conclusion, and assumes facts not in evidence. Plaintiff further objects to this request because there were multiple provisions within the 2001 memorandum rendering the request compound, and therefore in violation of Federal Rule of Civil Procedure 36(a)(2). Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this request on the grounds that it is irrelevant to the claims or defenses in this action, disproportionate relative to the needs of the case, and appears designed solely to harass Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood outside of this litigation. For the foregoing reasons, Plaintiff will not respond to this Request.

**REQUEST FOR ADMISSION NO. 3:**

Admit that, prior to June 2015, YOU accepted payment for facilitating donation of fetal tissue for research.

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request on the grounds that the terms "payment" and "facilitating" are vague and ambiguous. Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this request on the grounds that it seeks information not relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass Plaintiff and

1 for the improper purpose of obtaining information solely to further Defendants' attacks against  
2 Planned Parenthood outside of this litigation.

3 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

4 Plaintiff admits that for certain periods prior to June 2015, Plaintiff received reasonable payment  
5 intended to recover costs associated with its fetal tissue donation program. In all other respects,  
6 denied.

7 **REQUEST FOR ADMISSION NO. 4:**

8 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
9 analysis of the actual costs incurred by YOU for the transportation of fetal tissue.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

11 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
12 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual  
13 costs incurred" and "transportation of fetal tissue" are vague and ambiguous and call for legal  
14 conclusions. Plaintiff further objects to this request on the grounds that it assumes facts not in  
15 evidence. Plaintiff further objects to this request on the grounds that it seeks information not  
16 relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the  
17 case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass  
18 Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks  
19 against Planned Parenthood outside of this litigation.

20 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

21 Plaintiff admits that, prior to June 2015, it did not use an independent auditor to calculate the costs  
22 related to the fetal tissue donation program. In all other respects, denied.

23 **REQUEST FOR ADMISSION NO. 5:**

24 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
25 analysis of the actual costs incurred by YOU for the implantation of fetal tissue.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

27 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
28 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual



1 Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks  
2 against Planned Parenthood outside of this litigation.

3 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:  
4 Plaintiff admits that, prior to June 2015, it did not use an independent auditor to calculate the costs  
5 related to the fetal tissue donation program. In all other respects, denied.

6 **REQUEST FOR ADMISSION NO. 9:**

7 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
8 analysis of the actual costs incurred by YOU for the storage of fetal tissue.

9 **RESPONSE TO REQUEST FOR ADMISSION NO. 9:**

10 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
11 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual  
12 costs incurred" and "storage of fetal tissue" are vague and ambiguous and call for legal conclusions.  
13 Plaintiff further objects to this request on the grounds that it and assumes facts not in evidence.  
14 Plaintiff further objects to this request on the grounds that it seeks information not relevant to any  
15 claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiff  
16 further objects to this request on the grounds that it appears designed solely to harass Plaintiff and  
17 for the improper purpose of obtaining information solely to further Defendants' attacks against  
18 Planned Parenthood outside of this litigation.

19 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:  
20 Plaintiff admits that, prior to June 2015, it did not use an independent auditor to calculate the costs  
21 related to the fetal tissue donation program. In all other respects, denied.

22 **REQUEST FOR ADMISSION NO. 10:**

23 Admit that, prior to June 2015, YOU did not conduct contemporaneous costs analyses to  
24 determine the actual costs of YOUR fetal tissue donation program.

25 **RESPONSE TO REQUEST FOR ADMISSION NO. 10:**

26 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
27 this request. Plaintiff objects to this request on the grounds the terms "contemporaneous cost  
28 analyses" and "actual costs of YOUR fetal tissue donation program" are vague and ambiguous.

1 Plaintiff further objects to this request to the extent it does not specify a relevant date range,  
 2 rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this  
 3 request on the grounds that it seeks information not relevant to any claims or defenses in the dispute  
 4 and is disproportionate relative to the needs of the case. Plaintiff further objects to this request on  
 5 the grounds that it appears designed solely to harass Plaintiff and for the improper purpose of  
 6 obtaining information solely to further Defendants' attacks against Planned Parenthood outside of  
 7 this litigation.

8 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

9 Plaintiff admits that it did not conduct or cannot locate contemporaneous cost analyses related to its  
 10 fetal tissue donation program. In all other respects, denied.

11  
 12 **REQUEST FOR ADMISSION NO. 11:**

13 Admit that YOU did not attempt to determine the actual costs of YOUR fetal tissue program  
 14 until after July 13, 2015.

15 **RESPONSE TO REQUEST FOR ADMISSION NO. 11:**

16 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
 17 this request. Plaintiff objects to this request on the grounds the terms "attempt to determine" and  
 18 "actual costs of YOUR fetal tissue donation program" are vague and ambiguous. Plaintiff further  
 19 objects to this request on the grounds that it seeks information not relevant to any claims or defenses  
 20 in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to  
 21 this request on the grounds that it appears designed solely to harass Plaintiff and for the improper  
 22 purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood  
 23 outside of this litigation.

24 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

25 Plaintiff admits that the cost analysis related to its fetal tissue donation program that was produced  
 26 to the Judiciary Committee of the United States Senate was conducted in response to the Judiciary  
 27 Committee's request, and that Plaintiff had not previously conducted any similar such cost analysis.

28 In all other respects, denied.

**REQUEST FOR ADMISSION NO. 12:**

Admit that YOU did not attempt to determine the actual costs of YOUR fetal tissue program until after YOU were requested to do so by members of the Judiciary Committee of the United States Senate.

**RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request on the grounds the terms “attempt to determine” and “actual costs of YOUR fetal tissue donation program” are vague and ambiguous. Plaintiff further objects to this request on the grounds that it seeks information not relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass Plaintiff and for the improper purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of this litigation.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

Plaintiff admits that the cost analysis related to its fetal tissue donation program that was produced to the Judiciary Committee of the United States Senate was conducted in response to the Judiciary Committee’s request, and that Plaintiff had not previously conducted any similar such cost analysis.

In all other respects, denied.

**REQUEST FOR ADMISSION NO. 13:**

Admit that, prior to June 2015, YOUR doctors failed to certify in writing that they have not changed the method of the abortion to facilitate fetal tissue donation.

**RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff further objects to this request to the extent the terms “certify in writing” and “changed the method of abortion to facilitate fetal tissue donation” are vague and ambiguous, calls for a legal conclusion, and assumes facts not in evidence. Plaintiff further objects to this request to the extent it is compound, and renders the request burdensome. Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound,



DATED: April 28, 2017

Respectfully submitted,

ARNOLD & PORTER KAYE SCHOLER LLP

By:



Amy L. Bomse

Attorneys for Plaintiffs

1 AMY L. BOMSE (No. 218669)  
2 SHARON D. MAYO (No. 150469)  
3 JEE YOUNG YOU (No. 241658)  
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13 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

12 PLANNED PARENTHOOD FEDERATION OF  
13 AMERICA, INC., et al.,

14 Plaintiffs,

15 v.

16 CENTER FOR MEDICAL PROGRESS, et al.,

17 Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFF PLANNED  
PARENTHOOD MAR MONTE,  
INC.'S RESPONSE TO  
DEFENDANTS' (CENTER FOR  
MEDICAL PROGRESS AND  
BIOMAX PROCUREMENT  
SERVICES) REQUESTS FOR  
ADMISSION (SET TWO)**

**REQUEST FOR ADMISSION NO. 3:**

Admit that, prior to June 2015, YOUR fetal tissue donation program did not comply with the directives set forth in Planned Parenthood Federation of America's 2001 memorandum titled, "Federal Regulations for Aborted Pregnancy Tissue Donation Programs."

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request to the extent the terms "did not comply with" and "directives" are vague and ambiguous, calls for a legal conclusion, and assumes facts not in evidence. Plaintiff further objects to this request because there were multiple provisions within the 2001 memorandum rendering the request compound, and therefore in violation of Federal Rule of Civil Procedure 36(a)(2). Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this request on the grounds that it is irrelevant to the claims or defenses in this action, disproportionate relative to the needs of the case, and appears designed solely to harass Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood outside of this litigation. For the foregoing reasons, Plaintiff will not respond to this Request.

**REQUEST FOR ADMISSION NO. 4:**

Admit that, prior to June 2015, YOU accepted payment for facilitating donation of fetal tissue for research.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request on the grounds that the terms "payment" and "facilitating" are vague and ambiguous. Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this request on the grounds that it seeks information not relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass Plaintiff and



1 for the improper purpose of obtaining information solely to further Defendants' attacks against  
2 Planned Parenthood outside of this litigation.

3 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

4 Plaintiff admits that for certain periods prior to June 2015, Plaintiff received reasonable payment  
5 intended to recover costs associated with its fetal tissue donation program. In all other respects,  
6 denied.

7 **REQUEST FOR ADMISSION NO. 5:**

8 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
9 analysis of the actual costs incurred by YOU for the transportation of fetal tissue.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

11 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
12 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual  
13 costs incurred" and "transportation of fetal tissue" are vague and ambiguous and call for legal  
14 conclusions. Plaintiff further objects to this request on the grounds that it assumes facts not in  
15 evidence. Plaintiff further objects to this request on the grounds that it seeks information not  
16 relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the  
17 case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass  
18 Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks  
19 against Planned Parenthood outside of this litigation.

20 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

21 Plaintiff admits that, prior to June 2015, it did not use an independent auditor to calculate the costs  
22 related to the fetal tissue donation program. In all other respects, denied.

23 **REQUEST FOR ADMISSION NO. 6:**

24 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
25 analysis of the actual costs incurred by YOU for the implantation of fetal tissue.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

27 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
28 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual

1 “actual costs of YOUR fetal tissue donation program” are vague and ambiguous. Plaintiff further  
 2 objects to this request on the grounds that it seeks information not relevant to any claims or defenses  
 3 in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to  
 4 this request on the grounds that it appears designed solely to harass Plaintiff and for the improper  
 5 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood  
 6 outside of this litigation.

7 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

8 Denied.

9 **REQUEST FOR ADMISSION NO. 12:**

10 Admit that YOU did not attempt to determine the actual costs of YOUR fetal tissue program  
 11 until after July 13, 2015.

12 **RESPONSE TO REQUEST FOR ADMISSION NO. 12:**

13 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
 14 this request. Plaintiff objects to this request on the grounds the terms “attempt to determine” and  
 15 “actual costs of YOUR fetal tissue donation program” are vague and ambiguous. Plaintiff further  
 16 objects to this request on the grounds that it seeks information not relevant to any claims or defenses  
 17 in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to  
 18 this request on the grounds that it appears designed solely to harass Plaintiff and for the improper  
 19 purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood  
 20 outside of this litigation.

21 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

22 Plaintiff admits that the cost analysis related to its fetal tissue donation program that was produced  
 23 to the Judiciary Committee of the United States Senate was conducted in response to the Judiciary  
 24 Committee’s request, and that Plaintiff had not previously conducted any similar such cost analysis.

25 In all other respects, denied.  
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**REQUEST FOR ADMISSION NO. 13:**

Admit that YOU did not attempt to determine the actual costs of YOUR fetal tissue program until after YOU were requested to do so by members of the Judiciary Committee of the United States Senate.

**RESPONSE TO REQUEST FOR ADMISSION NO. 13:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request on the grounds the terms “attempt to determine” and “actual costs of YOUR fetal tissue donation program” are vague and ambiguous. Plaintiff further objects to this request on the grounds that it seeks information not relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass Plaintiff and for the improper purpose of obtaining information solely to further Defendants’ attacks against Planned Parenthood outside of this litigation.

Subject to and without waiving the foregoing objections, Plaintiff responds as follows: Plaintiff admits that the cost analysis related to its fetal tissue donation program that was produced to the Judiciary Committee of the United States Senate was conducted in response to the Judiciary Committee’s request, and that Plaintiff had not previously conducted any similar such cost analysis.

In all other respects, denied.

**REQUEST FOR ADMISSION NO. 14:**

Admit that, prior to June 2015, YOUR doctors failed to certify in writing that they have not changed the method of the abortion to facilitate fetal tissue donation.

**RESPONSE TO REQUEST FOR ADMISSION NO. 14:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff further objects to this request to the extent the terms “certify in writing” and “changed the method of abortion to facilitate fetal tissue donation” are vague and ambiguous, calls for a legal conclusion, and assumes facts not in evidence. Plaintiff further objects to this request to the extent it is compound, and renders the request burdensome. Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound,

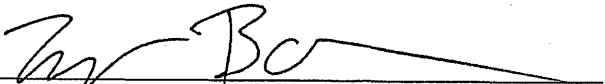


1  
2 DATED: April 28, 2017

Respectfully submitted,

3 ARNOLD & PORTER KAYE SCHOLER LLP

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5 By:

  
Amy L. Bomse

6 Attorneys for Plaintiffs  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

PLANNED PARENTHOOD FEDERATION OF  
AMERICA, INC., et al.,

Plaintiffs,

v.

CENTER FOR MEDICAL PROGRESS, et al.,

Defendants.

Case No. 3:16-cv-00236-WHO

**PLAINTIFF PLANNED  
PARENTHOOD SHASTA-DIABLO,  
INC. DBA PLANNED  
PARENTHOOD NORTHERN  
CALIFORNIA'S RESPONSE TO  
DEFENDANTS' (CENTER FOR  
MEDICAL PROGRESS AND  
BIOMAX PROCUREMENT  
SERVICES) INTERROGATORIES  
(SET TWO)**

**REQUEST FOR ADMISSION NO. 3:**

Admit that, prior to June 2015, YOUR fetal tissue donation program did not comply with the directives set forth in Planned Parenthood Federation of America's 2001 memorandum titled, "Federal Regulations for Aborted Pregnancy Tissue Donation Programs."

**RESPONSE TO REQUEST FOR ADMISSION NO. 3:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request to the extent the terms "did not comply with" and "directives" are vague and ambiguous, calls for a legal conclusion, and assumes facts not in evidence. Plaintiff further objects to this request because there were multiple provisions within the 2001 memorandum rendering the request compound, and therefore in violation of Federal Rule of Civil Procedure 36(a)(2). Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this request on the grounds that it is irrelevant to the claims or defenses in this action, disproportionate relative to the needs of the case, and appears designed solely to harass Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks against Planned Parenthood outside of this litigation. For the foregoing reasons, Plaintiff will not respond to this request.

**REQUEST FOR ADMISSION NO. 4:**

Admit that, prior to June 2015, YOU accepted payment for facilitating donation of fetal tissue for research.

**RESPONSE TO REQUEST FOR ADMISSION NO. 4:**

Plaintiff incorporates by reference each General Objection into its Specific Objections to this request. Plaintiff objects to this request on the grounds that the terms "payment" and "facilitating" are vague and ambiguous. Plaintiff further objects to this request to the extent it does not specify a relevant date range, rendering the request compound, overbroad, and unintelligible. Plaintiff further objects to this request on the grounds that it seeks information not relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass Plaintiff and



1 for the improper purpose of obtaining information solely to further Defendants' attacks against  
 2 Planned Parenthood outside of this litigation.

3 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

4 Plaintiff admits that for certain periods prior to June 2015, Plaintiff received reasonable payment  
 5 intended to recover costs associated with its fetal tissue donation program. In all other respects,  
 6 denied.

7 **REQUEST FOR ADMISSION NO. 5:**

8 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
 9 analysis of the actual costs incurred by YOU for the transportation of fetal tissue.

10 **RESPONSE TO REQUEST FOR ADMISSION NO. 5:**

11 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
 12 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual  
 13 costs incurred" and "transportation of fetal tissue" are vague and ambiguous and call for legal  
 14 conclusions. Plaintiff further objects to this request on the grounds that it assumes facts not in  
 15 evidence. Plaintiff further objects to this request on the grounds that it seeks information not  
 16 relevant to any claims or defenses in the dispute and is disproportionate relative to the needs of the  
 17 case. Plaintiff further objects to this request on the grounds that it appears designed solely to harass  
 18 Plaintiff and for the improper purpose of obtaining information solely to further Defendants' attacks  
 19 against Planned Parenthood outside of this litigation.

20 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:

21 Plaintiff admits that, prior to June 2015, it did not use an independent auditor to calculate the costs  
 22 related to the fetal tissue donation program. In all other respects, denied.

23 **REQUEST FOR ADMISSION NO. 6:**

24 Admit that, prior to June 2015, YOU did not use an independent auditor to conduct an  
 25 analysis of the actual costs incurred by YOU for the implantation of fetal tissue.

26 **RESPONSE TO REQUEST FOR ADMISSION NO. 6:**

27 Plaintiff incorporates by reference each General Objection into its Specific Objections to  
 28 this request. Plaintiff objects to this request on the grounds that the terms "analysis of the actual

1 evidence. Plaintiff further objects to this request on the grounds that it appears designed solely to  
 2 harass Plaintiff and for the improper purpose of obtaining information solely to further Defendants'  
 3 attacks against Planned Parenthood outside of this litigation.

4 Subject to and without waiving the foregoing objections, Plaintiff responds as follows:  
 5 Because this Request is entirely irrelevant to the claims or defenses in this action, Plaintiff will not  
 6 respond to this Request. *See* Fed. R. Civ. P. 36(a)(1) ("A party may serve on any other party a  
 7 written request to admit, for purposes of the pending action only, the truth of any matters within the  
 8 scope of Rule 26(b)(1)"); Fed R. Civ. P. 26(b)(1) ("Parties may obtain discovery regarding any  
 9 nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of  
 10 the case . . ."); *see also Kaiser Foundation Hospitals v. Cal. Nurses Ass'n*, (No. 11-5588 SC), 2012  
 11 WL 440634 (N.D. Cal. Feb. 10, 2012) ("A party is not entitled to discovery of a factual issue  
 12 merely because it is alleged in the pleadings. Federal Rule of Civil Procedure 26(b)(1) expressly  
 13 limits the scope of discovery to 'any nonprivileged matter this [sic] is relevant to any party's claim  
 14 or defense."); *Gilead Scis. v. Merck & Co.*, (No. 5:13-cv-04057-BLF), 2016 WL 146574 at \*1  
 15 (N.D. Cal. Jan. 13, 2016) ("No longer is it good enough to hope that the information sought might  
 16 lead to the discovery of admissible evidence . . . Instead, a party seeking discovery of relevant, non-  
 17 privileged information must show, before anything else, that the discovery sought is proportional to  
 18 the needs of the case.").

19  
 20 DATED: April 28, 2017

Respectfully submitted,

21 ARNOLD & PORTER KAYE SCHOLER LLP

22  
 23 By:

  
 Amy L. Bomse

24 Attorneys for Plaintiffs  
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